

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Steven A. Nerger, not individually
but solely as assignee for the benefit of
creditors of Clark Products, Inc. and Clark
Foodservice, Inc.,

Civil No. 10-2533 (DWF/JJK)

Plaintiff,

v.

ORDER

Midwest Theaters Corporation, d/b/a CineMagic
Theatres, and Steven L. Tripp,

Defendants.

David C. Gustman, Esq., Freeborn & Peters LLP; and Matthew B. Millis, Esq. and
S. Jamal Faleel, Esq., Fredrikson & Byron, PA, counsel for Plaintiff.

Jesse H. Kibort, Esq., and David J. Wymore, Esq., Daniels & Wymore, PLLC, counsel
for Defendants.

This matter is before the Court on a Motion to Strike Defendant's Affirmative
Defenses brought by Plaintiff. (Doc. No. 6.) Consistent with the Court's comments on
the record at the hearing on this matter, the Court orders Defendants to file an amended
pleading no later than November 30, 2010. The Court will, at that time, rule on the
pending motion to dismiss as it relates to the amended pleading.

SO ORDERED.

Dated: October 31, 2010

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge